UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,109	10/04/2000	Lewis D. Dodrill	CIS00-2413	1822

7590   04/19/2005
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EXAMINER
HAN, QI

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/679,109	DODRILL ET AL.
	Examiner	Art Unit	
	Qi Han	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 December 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Response to Amendment

2.   This communication is responsive to the applicant's amendment dated 12/17/2004.

Applicant cancelled claims 29-32.

The examiner withdraws the rejection regarding claims 29-32 because the applicant

cancelled the claims.

Response to Arguments

3.   Applicant's arguments filed on 12/17/2004 with respect to rejection of claims 1-28 under

35 USC 103, have been fully considered but they are not persuasive.

In response to applicant's arguments with respect to the rejection of claims 1-28 under 35

USC 103 (see amendment, pages 12-13), it is noted that all the arguments are based on the

affidavits and petition under 37 CFR 1.47 and 1.131. However, according to the decision of

Office of Petition, filed on 4/4/2005, the petition under 37 CFR 1.47 is **DISMISSED** (see

attached document of the decision). As stated by the Office of Petition, the following parties

may make an affidavit or declaration under 37 CFR 1.131:

(A)   All the inventors of the subject matter claimed.
(B)   Less than all named inventors where it is shown that less than all named inventors
          invented the subject matter of the claim or claims under rejection.
(C)   If a petition under 37 CFR 1.47 was granted or the application was accepted
          under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37
          CFR 1.47 applicant or the legal representative, where appropriate.
(D)   The assignee or other party in interest when it is not possible to produce the
          affidavit or declaration of the inventor.
(Also see MPEP 715.04).

As this point, none of above conditions is satisfied, according to the recorded documents

of the application. Based on above reason, the rejection is sustained.

Specification

4.   The abstract of the disclosure is objected to because the length of the abstract is over 150

words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

5.   Claims 1, 3, 5, 7-10, 12-13,15, 17, 19-20, 22-23, 25 and 27 are rejected under 35 U.S.C.

103(a) as being unpatentable over Walker et al. (US 2001/0047260 A1) hereinafter referenced as

Walker, in view of Sarukkai (US 2002/0052747 A1).

Regarding **claim 1**, Walker discloses a communication system as a voice portal platform,

comprising:

"a first executable resource" (Fig. 1 and paragraphs 22-23, combination of 'voice

application 16', 'text data sources 14' and 'text-to-speech (TTS) resource manager 18', which is

interpreted as a first executable resource); and

"a second executable resource" (Fig. 1 and paragraphs 23, combination of 'a text-to-

speech (TTS) resource manager 18 and a TTS engine farm 20', which is interpreted as a second

executable resource), wherein:

"the first executable resource generates text portions from the body of text in

response to receiving an initial request to convert the body of text to speech" (Fig. 1 and

paragraphs 22-23, 'understanding the audible text request (initial request)', 'in response

to this request, voice application 16 accesses text data sources 14 to find a text

document', 'text-to-speech (TTS) resource manager 18');

"the first executable resource provides an output in response to generating the text

portions, the output comprising a sequence of resource identifiers suitable for use in the

text-to-speech conversion of the text portions, each of the resource identifiers comprising

a corresponding one of the text portions and an identity of a resource capable of

performing the text-to-speech conversion", (Figs. 1-2 and paragraphs 23-27, 'dividing the

requested text ... into a plurality of segments (text portions)', 'dividing processor 26

associates a sequence identifier with each text segment' and 'distributes (output) the first

segment, the corresponding sequence identifier #1, ... to TTS engine 22a (identity of a

resource)');

"the second executable resource receives a text portion the request that requests

the conversion of at least one text portion to an audio format, the text portion request

comprising the at least one text portion and one of the resource identifiers", (Figs. 1-2

and paragraph 28, 'Upon TTS engines 22 (the second executable resource) receiving a

text segment the TTS converts or synthesizes the text segment into a speech segment',

'TTS engine 22a converts the first text segment into a first speech segment and associates

sequence identifier #1'); and

"the second executable resource provides at least one media file suitable for audio

output based on the text portion request" (Figs. 1-2 and paragraph 29, 'TTS engine

provides the speech segment (audio output) ... to a streaming buffer 24' that transmits the

speech segments ... over network communication lines' ; paragraph 3, 'a typical TTS

engine produces an audio or speech file').

Even though, Walker discloses that text data sources may include the Internet or email,

Walker does not expressly discloses the request being a "web request". However, this feature is

well known in the art as evidenced by Sarukkai who discloses method and system of interpreting

and presenting web content using a voice browser (Title), comprising that a user's request for a

page is processed by the voice browser and an HTTP request (herein equivalent to web request)

is made to a backend server (Fig. 1 and paragraphs 12 and 35), integrating with content database

103 and speech synthesis servers 108 and other devices (Fig. 1 and paragraph 30) that may be

used as a voice portal (paragraph 31), and providing functionality of streaming audio files

referenced by URI's or local files (paragraph 49). Therefore, it would have been obvious to one

of ordinary skill in the art at time the invention was made to modify Walker by specifically

providing HTTP requests (web request) and a voice browser for presenting web content from

web servers, as taught by Sarukkai, for the purpose of offering more marketable feature for the

user, such as using HTTP protocol for request, since HTTP (web) request is most popular

protocol for accessing information for the Internet.

In addition, it is noted that herein, the claimed "suitable for ..." and "capable of

performing ..." are not positive limitations, so that no patentable weight is given for these

limitations, and the same or similar limitation will be treated in the same way hereinafter.

Regarding **claim 3**, it recites a method. The rejection is based on the same reason

described for claim 1, because the claim recites same or similar limitation(s) as claim 1.

Regarding **claim 5**, it recites a server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 7** (depending on claim 5), Walker in view of Sarukkai further discloses "the executable resource provides the resource identifiers in a prescribed sequence based on respective positions of the text portions in the body of text", (Walker: Fig. 1 and paragraph 25, 'the sequence identifiers indicate the proper order (position) of the text segments (portions) in the text').

Regarding **claim 8**, it recites a method. The rejection is based on the same reason described for claim 5, because the claim recites same or similar limitation(s) as claim 5.

Regarding **claim 9** (depending on claim 8), Walker in view of Sarukkai further discloses "receiving an initial request for a text-to-audio conversion of the body of text, wherein the step of generating the text portions comprises generating the text portions in response to the step of receiving the initial request", (Walker: Figs. 1-2 and paragraph 23, 'transmits a request (initial request) for information to voice application 16', 'in response to this request, voice application 16 accesses text data sources 14 to find a text document'; paragraph 25, 'dividing the requested text from voice application 16 into a plurality of segments (text portions)').

Regarding **claim 10** (depending on claim 8), Walker in view of Sarukkai further discloses "generating each text portion in a manner suitable for inclusion in a hypertext transport protocol (HTTP) request", (Walker: Figs. 1-2 and paragraph 23, 'in response to this request, voice application 16 accesses text data sources 14 to find a text document'; paragraph 25, 'dividing the

requested text from voice application 16 into a plurality of segments (text portions)'; Sarukkai:

Fig. 1 and paragraph 35, 'voice browser 101 sends ... an HTTP request to a backend server').

Regarding **claim 12** (depending on claim 8), the rejection is based on the same reason

described for claim 7, because the claim recites same or similar limitation(s) as claim 7.

Regarding **claim 13**, it recites a server. The rejection is based on the same reason

described for claim 1, because the claim recites (or includes) same or similar limitation(s) as

claim 1.

Regarding **claim 15**, it recites a computer product. The rejection is based on the same

reason described for claim 1, because the claim recites (or includes) same or similar limitation(s)

as claim 1.

Regarding **claim 17**, it recites a text-to-audio server. The rejection is based on the same

reason described for claim 1, because the claim recites (or includes) same or similar limitation(s)

as claim 1.

Regarding **claim 19** (depending on claim 17), Walker in view of Sarukkai further

discloses that "the response comprises media files suitable for the audio output", (Walker:

paragraph 29, 'TTS engine provides the speech segment (audio output) ... to a streaming buffer

24' that transmits the speech segments ... over network communication lines'; paragraph 3, 'a

typical TTS engine produces an audio or speech file'; Sarukkai: paragraph 49, 'provide

functionality of streaming audio files referenced by URI's').

Regarding **claim 20**, it recites a method. The rejection is based on the same reason

described for claim 1, because the claim recites (or includes) same or similar limitation(s) as

claim 1.

Regarding **claim 22** (depending on claim 20), the rejection is based on the same reason described for claim 19, because the claim recites same or similar limitation(s) as claim 19.

Regarding **claim 23**, it recites a text-to-audio server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 25**, it recites a computer program product. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 27**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

6.   Claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Sarukkai, and further in view of Alpdemir (US 6,658,389 B1).

Regarding **claim 2** (depending on claim 1), Walker in view of Sarukkai further discloses:

"the first executable resource generates the text portions in response to receiving an initial hypertext transport protocol (HTTP) request to convert the body of text to speech" (Walker: Fig. 1 and paragraphs 22-23, 'understanding the audible text request (initial request0', 'in response to this request, voice application 16 accesses text data sources 14 to find a text document', 'text-to-speech (TTS) resource manager 18'; Sarukkai: paragraph 12, 'an HTTP request is made');

"the first executable resource provides a markup language page comprising uniform

resource locators (URL's), wherein each URL comprises a text character string suitable for

conversion to the audio format and an HTTP address of the resource" (Walker: Fig. 1 and

paragraphs 22-23, 'in response to this request, voice application 16 accesses text data sources 14

to find a text document'; Sarukkai: paragraphs 12-13, 'an HTTP request is made', 'encoding

each XML (extensible markup language)'; paragraph 46, 'interpreter contexts 403 of Fig. 4 is

created for each page of a requested document'(interpreted as text character string), including

'the Universal Resource identifier' that suggests using URL);

"the second executable resource receives at least one HTTP request comprising at least

one of the URLs" (Figs. 1-2 and paragraph 28, 'TTS engines 22 (the second executable resource)

receiving a text segment'; Sarukkai: paragraphs 12-13, 'an HTTP request is made'; paragraph

46, 'interpreter contexts 403 of Fig. 4 is created for each page of a requested document', 'the

Universal Resource identifier' that suggests using URL).

Even though Walker in view of Sarukkai discloses using XML (extensible markup

language for the web page, as stated above, Walker in view of Sarukkai does not expressly

discloses using "hypertext markup language (HTML) page". However, this feature is well

known in the art as evidenced by Alpdemir who discloses speech server using a text-to-speech

conversion engine, comprising using Hypertext Markup Language (HTML) pages (column 4,

lines 16-32). Therefore, it would have been obvious to one of ordinary skill in the art at time the

invention was made to modify Walker in view of Sarukkai by specifically providing Hypertext

Markup Language (HTML) pages, as taught by Alpdemir, for the purpose of taking advantages

of standard data and information format and protocol for the system (Alpdemir: column 4, lines 35-36).

Regarding **claim 4** (depending on claim 3), the rejection is based on the same reason described for claim 2, because the claim recites same or similar limitation(s) as claim 2.

Regarding **claim 6** (depending on claim 5), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

Regarding **claims 11** (depending on claim 8), **14** (depending on claim 13), **16** (depending on claim 15), **18** (depending on claim 17), **21** (depending on claim 20), **24** (depending on claim 23) and **26** (depending on claim 25), the rejection is based on the same reason described for claim 6, because the claims respectively recite same or similar limitation(s) as claim 6.

Regarding **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

8.   Please address mail to be delivered by the United States Postal Service (USPS) as
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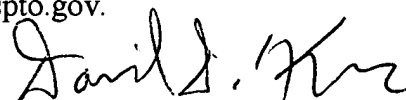the address.

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          Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The
examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If
attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
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QH/qh
April 5, 2005

**DAVID D. KNEPPER
PRIMARY EXAMINER**